IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 188 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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SUDHABEN KIRITKUMAR VAIDHYA

Versus

SOMABHAI BHANGDABHAI RATHOD

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Appearance:

1. Misc.Civil Application No. 188 of 2004

MR NILESH M SHAH for Petitioner No. 1-3

RULE SERVED for Respondent No. 1-2,3

MS MEGHA JANI for Respondent No. 3

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CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 20/07/2004

ORAL JUDGEMENT

1. Heard learned Advocate Mr. Nilesh M Shah for the

petitioners and learned Advocate Ms.Megha Jani for respondent No.3. Respondent Nos.1 and 2 are served.

2. This Application is filed for seeking transfer of Motor Accident Claim Petition No.594 of 1991 pending before the Motor Accident Claims Tribunal at Surat to Motor Accident Claims Tribunal at Vadodara. The grounds taken in the petition as well as contentions raised on behalf of the petitioners by learned Advocate Mr.Shah indicate that the main bread winner - husband of the petitioner No.1 and father of remaining petitioners died on vehicular accident on 20.11.1999 and, therefore, above said Motor Accident Claim Petition No. 594 of 1991 was filed before Motor Accident Claims Tribunal at Surat. Learned Advocate for the petitioners makes a statement that the said Motor Accident Claim Petition is still pending at Surat and the matter is still not opened for recording of evidence. On account of untimely demise of husband, petitioner No.1 shifted to Vadodara at her parental home. She has no source of income. It would be very difficult for the petitioner to attend the proceedings at Surat in the said Motor Accident Claim Petition on account of their poor financial condition and no source of income. Even otherwise, now the petitioner may prefer the application for motor accident claim where she resides.

3. In view of the above, in the facts and circumstances of the matter, this Application is required to be allowed.

4. The application is allowed. Motor Accident Claim Petition No.594 of 1991 pending before the Motor Accident Claims Tribunal at Surat is hereby ordered to be transferred to Motor Accident Claims Tribunal at Vadodara. Motor Accident Claims Tribunal at Surat is further directed to transmit Record and Proceedings of said Motor Accident Claim Petition No.549 of 1991 immediately to Motor Accident Claims Tribunal at Vadodara. On so receiving the papers, the Motor Accident Claims Tribunal at Vadodara, shall register the same, deal with and dispose of the said Motor Accident Claim Petition according to law. Rule is made absolute. No order as to costs.

(J.R. Vora, J.)

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